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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/014,864 | 12/11/2001 | Michael J. Tari | ICOR-004 | 3644 |

26137 7590 09/10/2007
PATENT DEPARTMENT
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
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NEW YORK, NY 10036

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| EXAMINER |
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GREIMEL, JOCELYN

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| ART UNIT | PAPER NUMBER |
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3693

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| MAIL DATE | DELIVERY MODE |
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09/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/014,864

Applicant(s)

TARI ET AL.

Examiner

Jocelyn Greimel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 June 2007 has been entered.

Status of Claims

Claims 1-14 are currently pending. Claims 1, 8, 12 and 14 are independent claims.

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Flex Options – Chicago Board Options Exchange [hereinafter CBOE]. In reference to claims 1, 8 and 12-14, CBOE discloses a method, system and apparatus for electronically trading financial instruments among a plurality of traders, each trader being associated with one or more sets of tradeable structures, comprising:

- a. receiving a request for proposal ("RFP") on a financial instrument from a requestor, the RFP including an RFP structure; providing an alert to each trader whose tradeable structures include the RFP structure (pages 3-4);
- b. during a first response period, receiving two or more responses to said RFP from two or more responders, each said responder providing at least one said response; transmitting said two or more responses to said requestor; allowing said requestor to trade on said two or more responses during a first exclusivity period, each said plurality of traders not being allowed to trade on said two or more responses during said first exclusivity period unless each said trader comprises said requestor, said first response period and said first exclusivity period being allowed to overlap (pages 6-7); and
- c. at the expiration of said first exclusivity period, allowing said two or more responders to trade on said responses during a second exclusivity period, said traders not being allowed to trade on said responses during said second exclusivity period unless each such trader comprises a requestor or said one or more responders (pages 6-7).

2. In reference to claim 2, CBOE teaches the electronic trading method and system further comprising matching orders at the expiration of said first period and before allowing said responders to trade on said responses (pages 6-7).

3. In reference to claim 3, CBOE discloses the electronic trading method and system wherein said orders are associated with a bid price or an offer price, said matching orders process further comprising matching crossed orders in which the highest bid prices is higher than the lowest offer price (pages 6-7).

4. In reference to claim 4, CBOE discloses the electronic trading method and system wherein any responses, which have not been traded on at the end of, said second period are migrated to a general market (pages 6-7).

5. In reference to claim 5, CBOE discloses the electronic trading method and system wherein traders are grouped into trading groups, said method further comprising transmitting said at least one response to said requestor's trading group and said at least one responder's trading group, each said plurality of traders not receiving said responses unless said trader comprises a trader in said requestor's trading group or said at least one responder's trading group (pages 6-7).

6. In reference to claims 6-7, 9 and 11, CBOE discloses the electronic trading system, method and apparatus, including:

- a. allowing trader's in said requestor's trading group to trade on said responses during said first period, each said plurality of traders not being allowed to trade on said response during said first period unless said trader comprises a trader in said requestor's trading group;
 - b. allowing traders in said responder's trading group to trade on said responses during said second period;
 - c. wherein said tradable structures for each said trader are a function of potential traders to a trade;
 - d. migrating said responses to a general market at the expiration of said third exclusive period (pages 6-7).
7. In reference to claim 10, CBOE discloses the electronic trading method and system wherein said first period and said second period are co- terminus (pages 6-7).

Request for Information

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the Examiner has determined is reasonably necessary to the examination of this application.

In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information: It appears based on prior art searches that

Applicant's claimed invention has been in use or on sale by the assignee dating before the filing date of the Application. Please submit information regarding the RFQ based financial products and specifically identify the beginning date of sale of the products and the overall change in products over the period 1993 to present.

In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot

readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of two (2) months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

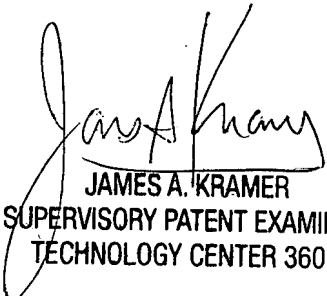
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached on Monday - Friday 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner, Art Unit 3693
August 26, 2007


JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

9-3-07